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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Pascal J. Gauthereon, et al.
U.S. Appln. No.: 10/562,185

Filed: December 22, 2005
For: SYSTEM AND METHOD OF INVESTING
FUNDSS

Attorney Docket No: 10022-802

Attention: Office of PCT
Legal Administration

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- Transmittal Sheet (2 pgs)(in duplicate); Supplemental Response to Notice To File Missing Parts of Application (2 pgs)(in duplicate); Copy of Notification of Missing Requirements Under 35 U.S. C. 371 in the United States Designated/Elected Office (DO/EO/US) (2pgs); Declaration for Utility Or Design Patent Application (37 C.F.R. §1.63) (12 pgs); Copy of Decision on Petition Under 37 CFR 1.47(a) (2 pgs); and
- Return Receipt Postcard.

Fee calculation:

- No additional fee is required.
- Small Entity.
- An extension fee in an amount of \$ _____ for a _____ month extension of time under 37 C.F.R. § 1.136(a).
- A petition or processing fee in an amount of \$ _____ under 37 C.F.R. § 1.136(a).
- An additional filing fee has been calculated as shown below:

					Small Entity		Not a Small Entity
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or
Total		Minus			x \$25=		x \$50=
Indep.		Minus			X100=		x \$200=
First Presentation of Multiple Dep. Claim					+\$180=		+\$360=
					Total	\$	Total

Fee payment:

- A check in the amount of \$ _____ is enclosed.
- Please charge Deposit Account No. 23-1925 in the amount of \$ _____. A copy of this Transmittal is enclosed for this purpose.
- Payment by credit card in the amount of \$ _____. (Form PTO-2038 is attached).
- The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR

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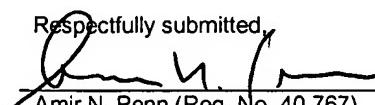
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NBC Tower – Suite 3600, 455 N. Cityfront Plaza Drive, Chicago, IL 60611-5599

§ 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

February 1, 2007

Date

Respectfully submitted,


Amir N. Penn (Reg. No. 40,767)

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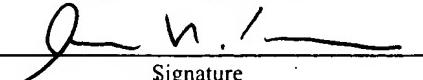
Alexandria, VA 22313

on February 1, 2007

Date of Deposit

Amir N. Penn (40,767)

Name of applicant, assignee or
Registered Representative



Signature

2/1/07

Date of Signature

Case No. 10022-802

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Pascal J. Gauthereon, et al.

Serial No.: 10/562,185

Attention: Office of PCT Legal
Administration

Filed: December 22, 2005

For: SYSTEM AND METHOD OF
INVESTING FUNDS

**SUPPLEMENTAL RESPONSE TO NOTIFICATION OF MISSING
REQUIREMENTS**

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the Decision on Petition Under 37 CFR § 1.47 (b) which is treated under 37 CFR § 1.47 (a) dated December 29, 2006, a copy of which is attached, with regard to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated April 27, 2006, a copy of which is attached, enclosed herewith for filing are the following documents:

- Declaration for Patent Application and Power of Attorney for the above-referenced patent application.
- Applicant is:
 - a small entity, verified statement is:
 - attached
 - already filed
 - other than small entity
- Checks totaling \$_____ for:
 - Filing Fee of \$_____.
 - Surcharge of \$_____.
 - Additional Fees of \$_____ for ___ month extension.
- Petition for Extension of Time (37 C.F.R. § 1.136(a)) to file missing parts (in duplicate).
- Other: Copy of Notification of Missing Requirements and copy of Decision on Petition Under 37 CFR § 1.47(a).
- The Commissioner is hereby authorized to charge any deficiencies in fees or credit overpayment to Deposit Account No. 23-1925. A duplicate copy of this paper is enclosed.

Respectfully submitted,

Dated: February 1, 2007



Amir N. Penn
Registration No. 40,767
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610
(312)321-4200

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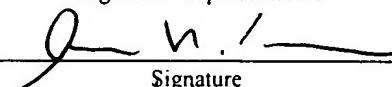
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Amir N. Penn (40,767)

Name of applicant, assignee or
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Signature

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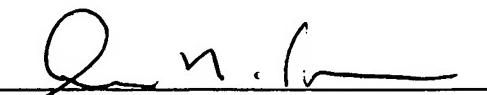
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Amir N. Penn
Registration No. 40,767
Attorney for Applicant(s)

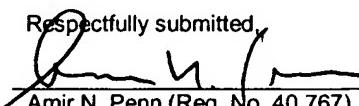
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Date

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

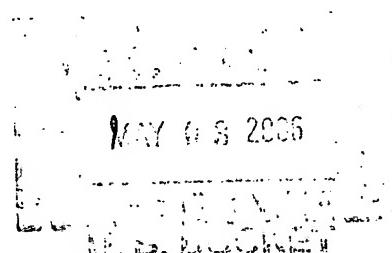
U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/562,185	Pascal J. Gauthereon	10022-802
INTERNATIONAL APPLICATION NO.		
PCT/AU04/00859		
I.A. FILING DATE		PRIORITY DATE
06/28/2004		06/26/2003
CONFIRMATION NO. 3864		
371 FORMALITIES LETTER		
 OC000000018625998		

Date Mailed: 04/27/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/22/2005
- Copy of the International Search Report filed on 12/22/2005
- Copy of IPE Report filed on 12/22/2005
- Preliminary Amendments filed on 12/22/2005
- Information Disclosure Statements filed on 12/22/2005
- Request for Immediate Examination filed on 12/22/2005
- U.S. Basic National Fees filed on 12/22/2005
- Priority Documents filed on 12/22/2005



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/562,185	PCT/AU04/00859	10022-802

FORM PCT/DO/EO/905 (371 Formalities Notice)



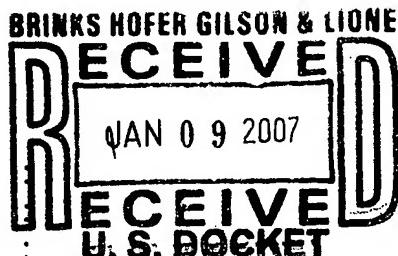
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www.uspto.gov

29 DEC 2006

Accenture Chicago 28164
BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610

In re Application of
GAUTHEREON, Pascal J. et al
U.S. Application No.: 10/562,185
PCT No.: PCT/AU04/00859
Int. Filing Date: 28 June 2004
Priority Date: 26 June 2003
Attorney Docket No.: 10022-802
For: SYSTEM AND METHOD FOR
INVESTING FUNDS



DECISION ON
PETITION UNDER
37 CFR 1.47(a)

This is a decision on applicants' "Petition Under 37 C.F.R. §1.47(b)" ("Pet.") filed on 22 November 2006 which is treated under 37 CFR 1.47(a).

BACKGROUND

On 27 April 2006, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath/declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee of \$130.00 must be provided. Applicants were given two months to respond.

On 22 November 2006, applicants submitted a response which was accompanied by, *inter alia*, the subject petition; a declaration signed by three of the four co-inventors; a "Declaration of Cinzia Trantino" ("Decl."); the petition and surcharge fee; a five-month extension and fee; and authorization to charge any additional fee to Deposit Account No. 23-1925.

DISCUSSION

Petitioners claim that Mr. Mark McDougall "refuses to execute a declaration" in the above-captioned application. Thus, a petition under 37 CFR 1.47(a) was submitted in response to the Form PCT/DO/EO/905 mailed 27 April 2006.

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the required petition fee; (2) factual proof that the nonsigning inventor refuses to execute the application or cannot be located; (3) a statement of the last known address of the nonsigning inventor; (4) and an oath or declaration executed by the signing joint

inventor on his behalf and on behalf of the nonsigning joint inventor.

Concerning item (1), the \$200.00 petition fee has been charged to counsel's Deposit Account as authorized.

With regard to item (3), the 37 CFR 1.47(a) applicants listed the last known address of the nonsigning inventor as:

40 Union Street
Windsor, Victoria
Australia

Regarding item (2), applicants provided a declaration by Cinzia Trantino who states that she received an email from the Human Resource Department of Accenture, Australia on 26 October 2006 containing the address of the nonsigning inventor, Mark McDougall. She then attempted to contact Mr. McDougall by telephone that day to no avail. Decl. at ¶ 8. After further attempts proved fruitless, Ms. Trantino states that an investigator went to that address but could not locate anyone at home. Ms. Trantino states that a neighbor indicated to the investigator that Mr. McDougal and family might be on vacation. *Id.* at ¶ 12. Ms. Trantino concludes by claiming that she attempted to contact Mr. McDougall via telephone from 31 October 2006 to 15 November 2006 but each call was unanswered. *Id.* at ¶ 14. No documentary evidence was provided.

This evidence is insufficient to meet item (2) of 37 CFR 1.47(a).

There is no evidence that Mr. McDougall received the documents and is refusing to cooperate. Further, it is not clear if Mr. McDougall is on vacation and only temporarily unavailable, or he has moved again. Nonetheless, the period in question from 31 October 2006 to 15 November 2006 is too short to conclude that the nonsigning inventor cannot be located. Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP) states, in part:

The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47. . . .

The 37 CFR 1.47(a) applicants will be given an additional two months (with extensions available) to submit an executed declaration by Mr. McDougall, or determine whether Mr. McDougall refuses to cooperate, or show that despite their diligent efforts, Mr. McDougall cannot be located. Copies of any documentary evidence such as copies of the letters mailed, postal receipts etc., **must** be submitted with any renewed petition.

For the reasons listed above, item (2) is not satisfied.

Concerning item (4), petitioners included a declaration signed by three of the four joint inventors listed on the international publication. The nonsigning co-inventor's name, residence, post office address and citizenship are recorded on the declaration.

Regardless, the declaration is unacceptable. Applicants submitted a declaration consisting of one first page, two Page 2's and one Page 3. Applicants must submit a complete copy of each declaration signed by each co-inventor. For this reason, item (4) of 37 CFR 1.47(a) is also not yet satisfied.

Thus, all of the requirements of 37 CFR 1.47(a) are not yet complete.

CONCLUSION

The petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302